

## AGENDA MEMO

**CITY COUNCIL MEETING DATE: MARCH 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-18894 - APPLICANT: DR. OBTEEN NASSARI -  
OWNER: 2111 SOUTH MARYLAND LLC**

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### **\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-6353).
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The abandoned, non-conforming 45-foot tall freestanding sign located on the southwest corner of the subject property must be removed prior to the issuance of any building permits.
4. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
5. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/21/06, except as amended by conditions herein.
6. A Waiver from LVMC Title 19.10 is hereby approved, to allow zero landscaping planters in the parking lot where one is required for each six parking spaces.
7. A Waiver from Title 19.12 is hereby approved to allow:
  - a. A one-foot wide landscape buffer along a portion of the north perimeter where an eight-foot wide landscape buffer is required as shown on plans date stamped 12/21/06.
  - b. A four-foot wide perimeter landscape buffer along the east property line where an eight-foot wide perimeter landscape buffer is required as shown on plans date stamped 12/21/06.
  - c. A seven-foot wide perimeter landscape buffer along a portion of the south property line where a 15-foot wide perimeter landscape buffer is required as shown on plans date stamped 12/21/06.

8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The landscape plan dated 12/21/06 must be revised removing the five 5-gallon shrubs located adjacent to the southern end of the screened trash enclosure as they are outside of the applicant's property.
9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the St. Louis and Maryland Parkway Capacity Improvement project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
16. Submit an application for a deviation from Standard Drawing #222a for the driveway accessing Exley Avenue.
17. Site development to comply with all applicable conditions of approval for ZON-6353 and all other subsequent site-related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Site Development Plan Review for a proposed 3,530 square-foot, single-story office building on 0.33 acres located at 2111 South Maryland Parkway. The applicant has requested a waiver to Title 19.12 to allow a five-foot wide landscape buffer along the north and east property lines where an eight-foot wide buffer is required. The applicant has also filed a deviation to allow a 24 foot driveway width where 32 feet is the minimum required.

Additionally, an abandoned 45-foot high, 145 square-foot sign has been conditioned to be removed.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/06/02	The City Council tabled the following applications on the subject site: a request for a Special Use Permit to (U-0073-02) allow a Psychic Arts business; a request for a Variance (V-0037-02) to allow three parking spaces where the proposed uses require 14 parking spaces; and a request for a Variance (V-0038-02) on property adjacent to the subject site to allow an existing building zero feet from the side property line, where five feet is the minimum setback required. The Planning Commission and staff both recommended approval for U-0073-02 and V-0037-02, but The Planning Commission recommended Approval for V-0038-02, while staff recommended Denial.
5/18/05	The City Council approved a General Plan Amendment (GPA-6352) to amend the Land Use from SC (Service Commercial) and ML (Medium-Low Density Residential) to O (Office) and a related request for a Rezoning (ZON-6353) from C-1 (Limited Commercial) and R-2 (Medium-Low Residential) to P-R (Professional Office & Parking) at 2111 South Maryland Parkway and 1205 Exley Avenue. Planning Commission and Staff recommended approval.
02/08/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #32/mh).
<b><i>Related Building Permits/Business Licenses</i></b>	
5/22/06	#66044: Over-the-counter Building Permit for the demolition and removal of the structures at 2111 South Maryland Parkway and 1205 Exley Avenue.
<b><i>Pre-Application Meeting</i></b>	
10/23/06	A Pre-Application Conference was held with staff to discuss the merger and redevelopment of 2111 South Maryland Parkway and 1205 Exley Avenue for a 3,500 square-foot medical office. A companion Variance for an existing freestanding sign was determined necessary as the sign is in non-compliance with the P-R (Professional Office & Parking) Zoning District.

<b><i>Neighborhood Meeting</i></b>	
NA	A neighborhood meeting was not held nor was one required.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.33

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant Offices	O (Office)	P-R (Professional Office/Parking)
North	Office	SC (Service Commercial)	P-R (Professional Office/Parking)
South	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Residential	ML (Medium Low Density Residential)	R-2 (Medium Low Density Residential)
West	Medical Office & Counseling Center	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.08, the following standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	NA	14,262 S.F	Y*
Min. Lot Width	60 feet	110 feet	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 feet 5 feet 15 feet 15 feet	20 feet 6 feet 15 feet 15 feet	Y

Max. Lot Coverage	50%	25%	N*
Max. Building Height	Lesser of 2 stories or 35 feet	14 feet, 6 inches	Y
Trash Enclosure	50 feet from residentially-zoned property	50 feet	Y
Mech. Equipment	Screened	Yes	Y or N

\*With the recordation of a Merger and Re-subdivision of parcels APN 162-02-410-071 & -072 this proposal will be in conformance with Title 19.08. However, without the merger of the two lots, the maximum lot coverage will be exceeded by 2% (3,530 S.F/6,795 S.F=52%) thus requiring a Variance. Approval of this SDR will be contingent upon completion of this condition.

***Pursuant to Title 19.08.060, the following standards apply:***

<b><i>Residential Adjacency Standards</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
3:1 proximity slope	Five feet (P-R Zone Setbacks) for 15-foot high buildings	Six feet (14'-6" high building)	Y
Adjacent development matching setback	Five feet (P-R Zone Setbacks)	Five feet	Y
Trash Enclosure	50 feet	50 feet	Y

***Pursuant to Titles 19.10 & 19.12, the following standards apply***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Parking Area	1 Tree/6 Spaces	4 Trees	0*	N
Buffer: Min. Trees	1 Tree/ 20 Linear Feet	19 Trees	19	Y
<b>TOTAL</b>		23	19	N
Min. Zone Width	8 Feet		1 Foot	N**
Wall Height	6 Feet		7 Feet***	Y

\*Although one shade tree is shown on the landscape plan within proximity to a parking space, per Title 19.10.010(J), "Landscape materials required for perimeter landscape buffer areas may not be counted towards the requirements for landscape islands in parking lots."

\*\*A Waiver to the Title 19.12 Perimeter Landscape Buffer Standards has been processed with this application.

\*\*\*There is an existing seven-foot high (approximate) wall that runs along the entire north property line.

***Pursuant to Title 19.10, the following parking standards apply:***

According to Table 22.2.3, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Medical Office	2,000 S.F	1: 200 S.F for first 2,000 S.F	10				
Medical Office (remaining GFA over 2,000 S.F)	1,530 S.F	1:175 S.F of remaining GFA	9				
SubTotal			19	1	20	1	Y
TOTAL (including handicap)	3,530 S.F		19	1	20	1	Y

<b>Freestanding Signs: 19.14.060(C) Permitted Signs in the C-V, N-S, P-R, &amp; O Zoning Districts</b>		
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1 / Street frontage 1 total or 1/ 43,000 SF lot	1 / Street frontage 1 total
Maximum Area	48 SF.	145 SF*
Maximum Height	12 feet	45 feet*
Minimum Setback	5 feet	0 feet*
Illumination	Internal or directly illuminated only	No indication has been given towards the lighting, but the sign is outfitted for internal illumination.

\*The existing non-conforming sign does not comply with the sign standards for a P-R (Professional Office & Parking) Zoning District in both height and size. Additionally, although the sign post meets the five-foot setback, the 16-foot wide sign itself is located approximately three-feet into the public right-of-way. Staff has recommended that the sign be removed prior to the issuance of any building permits

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
A one-foot wide landscape buffer along the north property line	An eight-foot wide perimeter landscape buffer	Approval
A four-foot landscape buffer along the eastern property line	An eight-foot wide perimeter landscape buffer	Approval
A seven-foot landscape buffer along a portion of the southern property line	A 15-foot wide perimeter landscape buffer	Approval
Zero parking lot landscape islands	A 5-foot wide landscape island for every six parking spaces	Approval

## ANALYSIS

- **General Plan/Zoning**

Both properties, 2111 South Maryland Parkway and 1205 Exley Avenue (APNs 162-02-410-072, & -071), were rezoned (ZON-6353) from C-1 and R-2 to the P-R Zoning District. The proposal for a medical office in a P-R Zoning District is a permissible use per Title 19.04.

The proposed development is located within the 200-foot height-restricted area of the Airport Overlay District. As the proposed building height has been shown at 14-feet, six inches, no adverse affect is anticipated within this Overlay District.

There is currently an abandoned freestanding sign that is in non-conformance with the Title 19.14 Sign Standards for the P-R Zoning District. As the sign is located approximately three feet over the public right-of-way, thus falling under the definition of a prohibited sign, a Variance cannot be processed. Therefore, the sign shall be removed as a condition of approval of this proposed Site Plan Review.

- **Site Plan**

The site depicts a 3,530 square foot medical office fronting along Maryland Parkway. The applicant has provided adequate parking placed to the rear of the building away from the street front along Maryland Parkway. The access to the project is provided by a 24-foot wide curb-cut for which the applicant will need an approved deviation from standards approved by the City Engineer.

The proposed development currently sits on two separate parcels for which staff is requiring that a Merger and Re-subdivision take place in order to create a single lot. Without the remapping of the two parcels into a single lot the proposal will require a Variance for excessive lot coverage on the western property and an off-site parking agreement recorded with the City Attorney for the eastern property.

- **Elevations & Materials**

The provided elevations show a coherent southwestern contemporary design that wraps around the entire building. The applicant calls for three-coat stucco, painted off-white with earth-toned colors on the trim and slate tile accents for the material finish.

Although the building is of a simple rectangular shape, the massing of the office building is broken up with four columns of dry stacked stone veneer at the front and back. The elevations maintain a street-oriented façade with the entrance to the office oriented towards the parking lot, which is situated at the rear of the property.

- **Residential Adjacency**

The proposed building height is 14 feet, six inches, less than the minimum 15 feet height requirement. The proposed building is also in compliance with adjacent matching setbacks for the P-R Zoned property located to the north.

- **Parking**

The proposed Medical Office requires one parking space per 200 square feet for the first 2,000 square feet of gross floor area with an additional parking space provided for each 175 square feet over the initial 2,000 square feet. The proposed 3,530 square-foot office building has made accommodations for 20 parking spaces, including one van-accessible handicapped parking space where 19 spaces are required ( $([2,000 \text{ S.F.}/200]+[1,530 \text{ S.F.}/175])=19 \text{ spaces}$ )

As the proposed medical office does not receive or distribute materials or merchandise, per Title 19.10.020 an on-site loading space is not required.

- **Landscaping**

The provided landscape plans show adequate landscaping with six (6) 24" box Purple Plum trees placed 20 feet on center in an off-set pattern with the required four (4) five-gallon shrubs provided per tree along Maryland Parkway and Exley Avenue.



A waiver to the Title 19.12.040 perimeter landscape buffer requirements has been requested for a portion of the north and south property line and all of the east property line. Staff finds that no significant impact will result from the reduced landscape buffer widths as the applicant has provided the adequate amounts of trees and ground-cover plants to screen the commercial property from the adjacent property.

Also, a waiver to provide five-foot wide landscape island has been requested. The landscape plans also show shrubs planted around the trash enclosures with some of the plants located outside of the applicant's property. As there is no requirement to provide a landscape buffer around trash enclosures, staff recommends that revised landscape plans be provided showing no landscaping in the public right-of-way adjacent to the trash enclosure.

- **Signage**

There is currently an abandoned, illegal, and prohibited sign located approximately three feet over the public sidewalk adjacent to Maryland Parkway. Per Title 19.14.140, the following determinant was used in assessing the illegality of the existing sign:

“(1)The following shall without limitation be considered illegal signs:

(a) A sign erected on public property, including the public right-of-way, in violation of this Chapter;”

Additionally, the existing sign has also been determined to be an abandoned sign by applying the following determinants as listed in Title 19.14.140(A)2:

“(a) Any sign which has ceased to be used to display a message relating to an on going business, product, service, idea or commercial activity and where the owner(s) of the sign has manifested an intention to permanently cease to use the sign. A sign shall be presumed to be abandoned if it has not been used to display or support such a message during any continuous one-year period;

(b) Any on-premise sign pertaining to a building that has been destroyed or damaged beyond use, and substantial construction work for its repair or replacement has not begun within six months after such destruction.”

As the existing sign meets multiple criteria for being categorized as both an illegal and abandoned sign, per Title 19.14.170 it is the responsibility of the property owner to remove the sign within 10 days of City Council final action. Failure to comply with a notice from the City requiring the removal the illegal sign may result in the immediate removal of the sign by the City at cost to the owner.

## **FINDINGS**

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**
- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**
- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**
- 4. Building and landscape materials are appropriate for the area and for the City;**
- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**
- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

### **In regard to “1”:**

The proposed 3,530 square foot medical office is located adjacent to Maryland Parkway and is compatible with the commercial development along Maryland Parkway and development in the immediate area.

### **In regard to “2”:**

The proposed medical office is consistent in use with the Office General Plan category. With exception to three waivers to portions of the perimeter landscape buffer widths, this proposal is consistent with the Design Standards Manual, the Landscape, Wall and Buffer Standards, as listed in Title 19.

### **In regard to “3”:**

As the proposed office will use an existing curb cut and has sought out the proper remedy Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

**In regard to “4”:**

The building materials shown in the provided elevations and materials board and the proposed landscaping materials are both appropriate to the neighborhood and for the City.

**In regard to “5”:**

The provided building elevations demonstrate architectural and aesthetic features that are compliant with the Title 19.08 Commercial Design Standards and do not present an undesirable, or obnoxious building. The proposed office provided an orderly and aesthetically pleasing environment; and is harmonious and compatible with development in the area.

**In regard to “6”:**

The proposed medical office will be subject to regular City inspections during the design and construction phase and City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare.

**PLANNING COMMISSION ACTION**

There was one speaker with questions.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 222 by Planning Department

**APPROVALS** 0

**PROTESTS** 0